

## REMARKS

Claims 51-87 were pending in the application. Pursuant to the Restriction Requirement presented in the Office Action mailed October 4, 2006, claims 64-87 are canceled without prejudice to pursuing the canceled in this or other applications. Upon entry of the Response, claims 51-63 will be pending. Claim 51 is independent.

The Brief Description of the Drawings section of the specification is amended to include sequence identifiers, as required in the Office Action.

### **I. Objection to the Specification**

The Office Action, at page 2, objects to the specification as allegedly failing to meet the requirements of 37 C.F.R. §§ 1.821-1.825. In particular, the Office Action objects to the lack of sequence identifiers in the Brief Description of the Drawings section of the application. Applicants traverse respectfully.

Applicants herein amend the specification to add sequence identifiers to the brief descriptions of the drawings. Accordingly, Applicants request that the objection to the specification be withdrawn.

### **II. The Restriction/Election Requirement**

At pages 3-5, the Office Action requires Applicants to restrict the claims to one of the groups as defined by the Examiner.

Applicants hereby provisionally elect, with traverse, claims 51-63, corresponding to Group I, drawn to a method for identifying a subspecies of *Staphylococcus aureus*. Applicants also make a provisional species election of SEQ ID NO 55.

Applicants traverse the restriction to a single nucleic acid sequence. Applicants point out respectfully that the novelty of the invention as defined in independent claim 51 is not based solely on the particular nucleotide sequence of the primers used. Rather, the novelty is based in part on the method used to identify the subspecies of *S. aureus* as defined by the steps of claim 51. Accordingly, claim 51 is

generic to the remaining dependent claims, and a species election for the purposes of examination is proper. In view of the foregoing, Applicant submits respectfully that the restriction requirement should be considered a species election requirement.

Respectfully submitted,

Date:

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